

ES-65-DIV-8

09/752,894

Amdt. Dated September 23, 2004 and February 3, 2005

Reply to Office action of June 23, 2004 and Notice of Non-Compliant dated January 3, 2005

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed the Examiner's communication mailed June 23, 2004 and the notice of Non-Compliant mailed January 3, 2005. Applicant has amended claim 16 which was Non-Compliant by using the wrong status identifier. Claim 16 now uses the proper status identifier "currently presented"

Applicant has amended the specifications to provide for a more descriptive title "Porous Organic Polymer Particle" The Examiner has rejected claims 6- 8, 15 and 20 under 35 U.S.C. 112 second paragraph. Applicant has amended Claims 1, 6, 7, 8, 9, 10, 15, 16, 17 and 20 as recommended by the Examiner.

The Examiner has provisionally rejected Claims 1, 6-10, 15-17 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-11 of US Patent 6,514,641 in view of Palmer et al (US 3,847,676).

Applicant is filing a terminal disclaimer to overcome this rejection.

In conclusion Applicant requests the Examiner to withdraw the objection to the claims in view of the present amendments to the claims and the rejection under obviousness-type double patenting in view of the filing of the terminal disclaimer. In conclusion Applicant submits that the present claims are allowable and respectfully requests the Examiner to forward this application to issuance at an early date.

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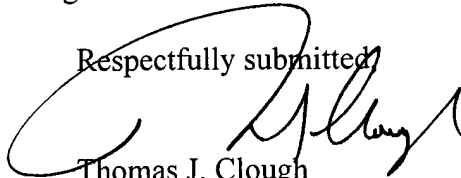
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Should any matters remain unresolved, the Examiner is requested to call (collect)

Applicant's attorney at the numbers given below.

Respectfully submitted,



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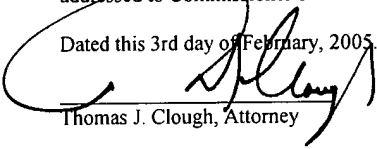
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 29231 on or before February 3, 2005.

Dated this 3rd day of February, 2005.



Thomas J. Clough, Attorney